

**Remarks**

The final Office Action maintained the rejection of Claims 1, 3-4, 6-13, 18-19, and 21-28 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,604,389 to Nitta. The Office Action further maintain the rejection of Claims 2, 14-15, 17 and 29-30 under 35 U.S.C. 103(a) as being unpatentable over the Nitta reference in view of U.S. Patent No. 5,930,076 to Morita.

1. Rejection of Independent Claims 1, 14, 16 and 29 Is Improper As There Is No Teaching or Suggestion That There May Be At Least One Reduced Height Tooth Stator of a Plurality of Stator Teeth

The Office Action contends that the Nitta reference teaches use of a reduced height stator tooth that has few layers than a remainder of the stator teeth. In particular, the Office Action contends that Figure 13b teaches such a reduced height stator and that the remaining teeth are taught by Figure 14. Applicant respectfully requests reconsideration of this particular determination as the figures and those accompanying portions of the Nitta specification actually teach the opposite.

Referring now to the specification, col. 6, lines 16-57 discusses a second embodiment which is shown in Figures 11, 12, 13(a), 13(b), 14 and 15. Figures 11 and 12 illustrate a stator core 1 with and without coils 2. As is seen, all of the stator teeth 14 have a same height.

Figures 13(a) and 13(b) are discussed together regarding the stator tooth 14 at col. 6, lines 26-40. The exploded view of Figure 13(b) is used to illustrate that the supplementary member 11 is bonded to the stator tooth 14. In the Brief Description of

the Drawings section, Figure 13(a) is described as “an oblique view schematically illustrating the stator teeth 14 of the stator core 1 in the second embodiment.” Figure 13(b) is described as “an exploded view schematically illustrating the stator teeth 14 of the stator core 1 in the second embodiment.” Figure 14 is a cross-sectional view schematically illustrating the structure of the spindle motor 100 in the second embodiment.” It is clear that Figures 13(a), 13(b) and 14 all are of the same structure, the stator tooth 14. There is no teaching that a selected one of the teeth has a reduced height in comparison to the remainder of the teeth.

The significance of such specifically reduced height stator tooth is that the head stack assembly is able to rotate over such reduced height stator tooth while having full-size stator teeth in the other areas about the stator. This would allow for a lower overall profile of the head disk assembly. In this regard, by this Amendment, Applicant has amended independent Claim 1 to further stress this point. Specifically, the amended language requires the positioning of the reduced height stator tooth to be vertically adjacent the head stack assembly.

Accordingly, Applicant respectfully submits that the Nitta reference does not teach or suggest a reduced stator tooth as suggested by the Office Action and request reconsideration of the rejection of independent Claims 1 and 16, and their dependent claims.

2. Rejection of Independent Claims 6, 10, 21 and 25 Is Improper As There Is No Teaching or Suggestion That There May Be A Stator Tooth With Two Laminate Layers Horizontally and Vertically Off-Set

The Office Action contends that the Nitta reference teaches use of at least one reduced height stator tooth having at least two reduced height stator laminated layers horizontally offset and vertically formed towards each other. In particular, the Office Action contends that Figure 23 teaches two laminate layers (as denoted by the Examiner's handwritten notation upper C and lower D) as being horizontally off-set.

The Office Action states: *"Although, fig. 23 shows an oblique view of the stator, it's inherent that the stator is identical on both sides. Therefore, the inner laminated layer between the upper and lower layer are horizontally offset from the inner laminated layer."* It is not understood what is contended by this. It is stressed that the subject limitation is with respect to at least two layers of a given tooth, and not with respect to layers of different teeth. So the reduced height stator tooth has its laminate layers being vertically and horizontally off-set with respect to its own laminate layers – not with respect to other teeth.

A review of what is meant by the claimed reference to "horizontally off-set" may be best conveyed by way of example. In the embodiment shown in Figures 12-14 for example, there is depicted a stator tooth which is formed of multiple layers. In Figure 12, there is a top view of the stator tooth. The stator tooth has a laminate layer 114a. The stator tooth further has a laminate layer 114c which can be seen as being horizontally off-set with respect to the laminate layer 114a as they do not overlap. This is on contrast to the stator tooth taught by Nitta which has identically overlapping layers.

Accordingly, Applicant respectfully submits that the Nitta reference does not teach or suggest a stator tooth as suggested by the Office Action and requests

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reconsideration of the rejection of independent Claims 6, 10, 21 and 25 and their dependent claims.

Lastly, Applicant notes that it is concurrently electronically submitting a Supplemental Information Disclosure Statement (a copy of the Acknowledgement Receipt is submitted herewith for the Examiner's convenience). It is Applicant's belief that the references cited therein, either alone or in combination, do not anticipate, suggest, or make obvious the instantly claimed invention.

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### CONCLUSION

On the basis of the foregoing, Applicant submits that all the remaining claims, namely Claims 1-4, 6-19 and 21-30, are in condition for allowance. Applicant therefore submits that all the stated grounds of rejection have been overcome. Accordingly, an early Notice of Allowance is respectfully requested. Should the Examiner have any suggestions for expediting allowance of the application, the Examiner is invited to contact Applicant's representative at the number listed below.

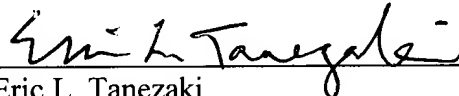
Should any additional fee be required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

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